IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 3701 of 1995

Between:

1 Thummala Radhakrishna murthy S/o.T.Kotaiah
Kothamajeru Challapalli Mandal
Krishna Dist.
2 Mandava Umamaheswara Rao S/o.venkaa Basavaiah
Kothamajeru Challapalli Mandal
Krishna Dist.
3 Yenugu Yedukondalu S/o.Panduranga Rao
Kothamajeru Challapalli Mandal
Krishna Dist.
4 Shakamuri Shivaprasad S/o.Jaganmohan Rao
Kothamajeru Challapalli Mandal
Krishna Dist.
5 Shakamuri Venkatachalapathi Babu S/o.Jaganmohan Rao
Kothamajeru Challapalli Mandal
Krishna Dist.
6 Talupula Reddaiah S/o.Seethaiah
Kothamajeru Challapalli Mandal
Krishna Dist.
7 Yenugu Panduranga Rao S/o.Rathaiah
Kothamajeru Challapalli Mandal
Krishna Dist.
8 Chopparapu Brahmaiah S/o.Appaiah
Kothamajeru Challapalli Mandal
Krishna Dist.
9 Talupula Adiseshaiah S/o.Subbaiah
Kothamajeru
10 Gottipati Kutumba Rao S/o.Venkateshwar Rao
Kothamajeru
11 Thammana Prayaga Madhava Rao S/o.Sathyanarayana
Yendakuduru Ghantasala Mandal

Krishna Dist.

..... PETITIONERS

AND

1 Collector, Krishna, Chilakalapudi
Machilipatnam, Krishna Dist.
2 Chief Engineer, Cyclone Engineering Reconstruction Project(CERP),
Dowleshwaram, Rajahmundry,
E.G.Dist.
3 Executive Engineer, CERP Division
AVANIGADDA, Krishna Dist.
4 Deputy Executive Engineer CERP. Sub-Division
Challapalli Post Krishna Dist.
5 Superintendant Engineer CERP Circle,
ELURU, W.G.Dist.
6 Mandal Revenue Officer
Challapalli, Krishna Dist.
7 Mandal Revenue Officer
Ghantasala Mandal, Krishna Dist.
8 Revenue Divisional Officer
Chilakalapudi, Machilipatnam
Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction declaring the action of the respondents in trying to take possession of the lands without following procedure contemplated under the provisions of the Land Acquisition Act as bad, illegal and un-constitutional.

Counsel for the Petitioners:MR.T.JAGDISH

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following ORDER:

Notification under Section 4(1) of the Land Acquisition Act, 1894(for short 'the Act') with respect to the suit land was issued on 23.11.1993. Till 28.02.1995, no further steps were taken for acquisition of land. Notice under Section 5 or 6 of the Act was also not issued. Therefore, the petitioners filed the writ petition submitting that since notice under Section 6 of the Act was not issued within one year from the date the notice under Section 4(1) of the Act was issued, therefore, the land could not be acquired.

No counter has been filed.

Learned counsel appearing for the respondents, on instructions, submits that it is true that the notice under Section 6 of the Act was not issued within the statutory period, therefore, the land was not acquired. As, when and if the land is required by the State, they will issue fresh notification.

In view of what has been stated above, the writ petition is allowed to the extent that the land shall not be acquired in pursuance of the notification issued on

23.11.1993. However, the respondents shall be at liberty to acquire the land after issuing fresh notification, if they so desire. No order as to costs.

04.11.2004

ksld

To

1 Collector, Krishna, Chilakalapudi
Machilipatnam, Krishna Dist.
2 Chief Engineer, Cyclone Engineering Reconstruction Project(CERP),
Dowleshwaram, Rajahmundry,
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Krishna Dist.

9 Two CCs. to the G.P. for Land Acquisition, High Court of A.P(OUT).

10 Two CD copies.